

# **Mao Declaration**

## **Exhibit 91**

### **Trujillo Deposition Transcript**

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

CHASOM BROWN, WILLIAM BYATT, ) Case No.  
JEREMY DAVIS, CHRISTOPHER ) 5:20-cv-03664-LHK-  
CASTILLO, and MONIQUE TRUJILLO ) SVK  
individually and on behalf of )  
all other similarly situated, )  
)  
Plaintiffs, )  
)  
vs. )  
)  
GOOGLE LLC, )  
)  
Defendant. )  
\_\_\_\_\_ )

VIRTUAL VIDEOCONFERENCE VIDEO-RECORDED  
DEPOSITION OF MONIQUE TRUJILLO

Friday, February 11, 2022  
Remotely Testifying from Los Angeles, California

Reported By:  
Hanna Kim, CLR, CSR No. 13083  
Job No. 5077549

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vs. )  
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GOOGLE LLC, )  
)  
Defendant. )  
\_\_\_\_\_ )

Virtual videoconference video-recorded  
deposition of MONIQUE TRUJILLO, remotely  
testifying from Los Angeles, California,  
taken on behalf of the Defendant, on  
Friday, February 11, 2022, before Hanna  
Kim, CLR, CSR No. 13083.

1 A. Yes, I'm familiar.

2 Q. And do you read privacy policies of the  
3 companies whose websites you visit online?

4 A. Yes, I do.

5 Q. Okay. Is that an additional precaution 09:58:48  
6 that you take, for example, reading the privacy  
7 policies of the websites that you visit?

8 A. Yes.

9 Q. Would you say that you read the privacy  
10 policies of most websites that you visit, some, or 09:59:06  
11 none?

12 A. Most.

13 Q. Approximately how many times do you do  
14 that in a given week?

15 A. In a given week, that's -- I read the 09:59:23  
16 privacy policies when there's an initial account  
17 setup or if there's an update.

18 Q. And how would you know whether there's an  
19 update to a website's privacy policy?

20 A. I will receive an alert. 09:59:51

21 Q. Do you always -- do you know if you -- if  
22 every website that you visit sends alerts when  
23 their privacy policies are updated?

24 A. I don't know if every websites [sic] sends  
25 a updated policy. 10:00:11

1 Q. But you imagine that some send such  
2 notifications; right?

3 A. I've seen updated policies. I've received  
4 them, but I don't know if every website does that  
5 or how often they do it. 10:00:33

6 Q. Okay. Well, it sounds like you have a  
7 habit of reading privacy policies.

8 Is that a fair characterization of what  
9 you just described to me?

10 A. I don't know if I would say "a habit," but 10:00:45  
11 it is something I read when it's initially  
12 presented to me to move forward.

13 Q. And let's say it's -- it's not presented  
14 to you in the context of an account creation  
15 process. 10:01:12

16 Would you, nonetheless, view a privacy  
17 policy that's on a -- a -- a website that you  
18 visit?

19 A. It depends on the website.

20 Q. And how would you decide which websites' 10:01:36  
21 privacy policies you might want to review and  
22 which ones you maybe don't need to?

23 A. Well, for example, if I'm on the Ralphs  
24 supermarket website, I wouldn't read their privacy  
25 policy. 10:02:05

1 Q. Why is that?

2 A. Because I'm looking for groceries, and it  
3 isn't anything personal.

4 Q. But you might consider content on another  
5 website to be personal; is that right? 10:02:33

6 A. Correct.

7 Q. But contents through -- that -- that's  
8 created in the context of browsing on a site like  
9 Ralphs, for example, your view, it's not necessary  
10 to review the privacy policy because you're not 10:02:50  
11 looking for anything personal; is that right?

12 A. That's right. If it's just water, fruit,  
13 vegetables, that's not personal to me.

14 Q. Okay. Is it important for you to know  
15 what type of information the websites that you are 10:03:25  
16 visiting collect, or does it depend on the  
17 specific website, for example?

18 A. If a website is collecting my information,  
19 it is important for me to know.

20 Q. Okay. So if Ralphs, for example, is 10:03:48  
21 collecting your information while you're browsing  
22 for grocery, let's just say --

23 MS. BAEZA: Objection. Form.

24 BY MS. CRAWFORD:

25 Q. -- is it important for you -- 10:03:57

1 MS. BAEZA: Objection. Form. Vague as to  
2 "data form" [sic].

3 BY MS. CRAWFORD:

4 Q. You can answer.

5 MS. BAEZA: "Data flow." My apologies. 10:57:09

6 THE WITNESS: No, I'm not.

7 BY MS. CRAWFORD:

8 Q. Okay. So then in the lawsuit that's been  
9 filed in this case, the basic allegation is that  
10 when you visit a website like Williams-Sonoma 10:57:23  
11 using incognito mode, you were led to believe that  
12 Williams-Sonoma would not share or Google would  
13 not receive information from your private browsing  
14 session.

15 When you visit websites like 10:57:46  
16 Williams-Sonoma, this specific disclosure -- let  
17 me know if this is your understanding -- this  
18 specific disclosure says Williams-Sonoma is  
19 sharing your information with Google. That is the  
20 same information that you've alleged Google 10:58:03  
21 improperly collected in the context of your  
22 lawsuit; isn't that right?

23 A. No, that's not right.

24 Q. What kind of information are you alleging  
25 Google has collected on you without your consent, 10:58:18

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1 if not from your visits on third-party websites?

2 A. Google -- I wasn't led to believe. It is  
3 clearly in Google's privacy policy that if I'm in  
4 incognito mode, my information will not be  
5 collected by Google. 10:58:43

6 Q. And that's what you believe the privacy  
7 policy says specifically?

8 MS. BAEZA: Objection. Form. Asked and  
9 answered.

10 THE WITNESS: Yes, that's what the privacy 10:59:05  
11 policy says specifically.

12 BY MS. CRAWFORD:

13 Q. Okay. So we're going to pull up the  
14 privacy policy. And I'm going to ask, when I do  
15 that, that you point me to exactly where it says 10:59:14  
16 that within the text of the disclosure.

17 But before we get there, I want to ask a  
18 couple questions about the type of personal  
19 information that you are suing Google for having  
20 received. 10:59:32

21 Are you aware of the Complaint that was  
22 filed in this case?

23 A. Yes.

24 Q. Okay. And I'm reading from the Complaint,  
25 quote, "This lawsuit concerns Google's 10:59:43



1           A.     Yes, I have seen ads for Macy's and  
2     Target.

3 | Q. Have you ever clicked on those ads?

4	A. Yes.
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5 Q. Okay. I want to ask a couple questions 12:24:38  
6 now about your use of the Chrome browser, which,  
7 as you know, is at the heart of this lawsuit.

8 To the best of your recollection,  
9 Ms. Trujillo, when did you first start using  
10 Chrome? 12:24:58

11 A. I would say around 2008.

12 Q. What did you like about Chrome when you  
13 started using it in 2008?

14           A.     The Google search engine.

15	Q. Okay. Anything else?	12:25:26
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16           A.    I preferred Chrome over the browser I had  
17           at the time in 2008, which I think was -- I can't  
18           recall what -- I can't recall the other browser,  
19           but I -- I did -- when I discovered Chrome, I did  
20           prefer it. 12:26:11

21 Q. Does Safari jog your memory any? You

22 might have --

23	A. No, it's not Safari.
----	-------------------------

24 Q. You might have submitted dis- -- it's not

25 Safari. Okay. 12:26:18

1 I was going to say you might have  
2 submitted discovery responses in this case where  
3 you listed Safari as another browser that you've  
4 used, so I just thought I'd mention that.

5 But it wasn't Safari that you were using 12:26:29  
6 prior to 2008?

7 A. I've used Safari, but in 2008 I can't  
8 recall what I was using.

9 Q. Okay.

10 A. It just -- 12:26:38

11 Q. And --

12 A. Chrome was --

13 Q. I'm sorry. Go ahead.

14 A. Chrome was new to me, and I liked it.

15 Q. And I think you mentioned having 12:26:45  
16 discovered Chrome. Can you tell me how you  
17 discovered the browser?

18 A. I don't know who it was. It was a -- a  
19 friend or a loved one said, "Why are you using  
20 that browser? You should" -- it was -- it was 12:27:08  
21 suggested to me.

22 Q. Okay. Someone suggested that you switch  
23 from the browser you were using prior to 2008 or  
24 into -- up to 2008 on to Chrome. And safe to say  
25 you did that? 12:27:25

1 A. Yes.

2 Q. Tried it out for a bit?

3 A. Yes.

4 Q. Safe to say you enjoyed the experience?

5 A. Yes. And I found over time that some -- 12:27:34  
6 in the workplace, I had to have -- or they were  
7 using primarily Chrome.

8 Q. Okay. So was that beneficial to you, in  
9 any way?

10 A. Yes, it was beneficial because I could 12:27:59  
11 access the different services.

12 Q. And what services do you have in mind or  
13 were you using back then?

14 A. Being able to browse the web at a decent  
15 pace or a decent speed. 12:28:30

16 Q. Okay. Anything else beyond using the  
17 Chrome browser in terms of the Google services  
18 that you just mentioned?

19 A. Anything else such as?

20 Q. You mentioned that it was beneficial 12:28:55  
21 because you could access the different services.

22 A. Mm-hmm.

23 Q. So I'm wondering, besides using Chrome to  
24 browse the web, were there any other Google  
25 services that you had in mind? 12:29:05

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1 A. Gmail.

2 Q. Okay. Anything else? It's okay if -- if  
3 you -- if you don't have anything. Again, it's  
4 not designed to be a memory test. If you happen  
5 to know. 12:29:32

6 A. Gmail, Google search.

7 Q. Okay. So you used Chrome in 2008. You  
8 used it in the years that followed as well; is  
9 that -- is that right?

10 A. Yes. 12:29:51

11 Q. Okay. Do you still use Chrome to this  
12 day?

13 A. Yes.

14 Q. Okay. How often would you say that you  
15 use Chrome this year, in 2022? Do you use it 12:30:01  
16 every day, a couple times per week, or on some  
17 other cadence?

18 A. On a daily basis.

19 Q. Okay. Do you use Chrome in both modes,  
20 incognito and a non-incognito mode daily? 12:30:22

21 A. It depends on what I'm looking at or what  
22 I'm visiting. I'll use incognito if I want it to  
23 be private. And that varies from day-to-day.

24 Q. Okay. When did you first start having  
25 concerns, Ms. Trujillo, about Google's collection 12:30:48

1 about your data?

2 A. I would say six or seven years ago when I  
3 started using incognito, I started noticing  
4 things. And when I read the article about Google  
5 tracking information while I'm in incognito mode, 12:31:36  
6 it really resonated with me because it angered me  
7 that this was affecting my privacy and my  
8 browsing.

9 Q. Okay. And you started using Chrome in  
10 2008. When did you start using incognito mode for 12:31:58  
11 Chrome?

12 A. About 2015, 2016 -- 2016.

13 Q. Any reason why you weren't using incognito  
14 mode to safeguard your privacy online before 2015?

15 A. It was 2016. And I hadn't known about 12:32:21  
16 incognito mode before then.

17 Q. So from 2008 to 2016, that eight-year --  
18 entire eight-year period where you were using  
19 Chrome, you were not aware that there was a  
20 feature in the browser called "incognito mode"? 12:32:42

21 A. That's correct, I was not aware.

22 Q. Okay. And is it your testimony that at no  
23 point prior to 2016 did you review -- sorry, did  
24 you use Chrome in incognito mode?

25 A. That's correct. Before that time, I had 12:33:02

1 not used incognito mode because I did not know  
2 about incognito mode.

3 Q. Okay. And when you first started using  
4 incognito mode in 2016, did you trust the browser  
5 with your personal data? 12:33:20

6 A. Yes.

7 Q. Why is that?

8 A. Because the privacy policy said that I was  
9 in control and that when I was in incognito mode  
10 that my information would not be collected. 12:33:41

11 Q. Okay. And -- and, again, we're going to  
12 get to the privacy policy and incognito -- the  
13 incognito screen in a minute. And I'm going to  
14 ask that when we talk through that disclosure, you  
15 show me where in there it contains that specific 12:33:59  
16 representation.

17 But until then, let me ask just a couple  
18 more questions about your browsing history.

19 You mentioned using Safari and Chrome.  
20 Are you aware of any other browsers you've used 12:34:19  
21 within the past decade? Would Internet Explorer,  
22 for example, be a browser you might have used?

23 A. Internet Explorer, yes.

24 Q. Was that the one you were using back in  
25 2008? 12:34:42

1 we're driving and somebody doesn't have good  
2 reception, then they'll use my phone or -- just  
3 sharing in that way.

4 Q. Okay. Has anyone ever used any of those  
5 devices to browse the internet? 12:39:05

6 A. Yes.

7 Q. In addition to making calls?

8 A. Yes.

9 Q. Have you logged into your Gmail account  
10 using each of those devices at any point? 12:39:19

11 A. Each of them, yes.

12 Q. Okay. Now, for the other browsers that we  
13 just covered, Safari, Internet Explorer, do you  
14 know whether you've ever reviewed their privacy  
15 policies? 12:39:44

16 A. Yes, I've reviewed them.

17 Q. And what was your impression after  
18 reviewing the privacy policies of those browsers?

19 A. My impression was that they were stating  
20 what the company -- what their contract is. 12:40:16

21 Q. Any noticeable differences between the  
22 policies of those browsers and Google's policies,  
23 for example?

24 A. Yes.

25 MS. BAEZA: Objection to the -- to the 12:40:48

1 extent this asks for a legal conclusion.

2 BY MS. CRAWFORD:

3 Q. You can answer.

4 A. Yes. The difference is that in Google's  
5 privacy policy, it specifically says that I'm in 12:41:09  
6 control and when I'm in cog- -- incognito mode, my  
7 information will not be collected.

8 Q. Do you have an understanding of what types  
9 of information Google receives when you browse the  
10 web in a private browsing mode? 12:41:32

11 MS. BAEZA: Objection. Form. Asked and  
12 answered.

13 You can answer.

14 THE WITNESS: Anything collected from me  
15 is my information. 12:41:53

16 BY MS. CRAWFORD:

17 Q. Okay. Let's -- let's say you're in  
18 incognito mode and you visit google.com. Do you  
19 think Google would receive any data associated  
20 with that query that you've made on google.com? 12:42:06

21 A. Do I think Google would receive any  
22 information?

23 Q. Yes.

24 If you ran a query on google.com, do you  
25 think Google would receive information in 12:42:25

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1 Q. And you would like to remain private to  
2 the websites you visit; yes?

3 A. Yes. If I'm in incognito mode, yes, I  
4 want to remain private.

5 Q. Okay. Now before you were contacted by 02:11:40  
6 counsel -- or before you contacted counsel to  
7 participate in this case, did you have an  
8 understanding of what incognito mode does?

9 MS. BAEZA: Objection. Form. Vague.  
10 Compound. 02:11:57

11 THE WITNESS: My understanding of  
12 incognito mode was that I would -- my information  
13 wouldn't be shared. I would be private.

14 BY MS. CRAWFORD:

15 Q. And where did you learn that? 02:12:25

16 A. In the privacy policy.

17 Q. Any other documents or disclosures?

18 A. The privacy policy, it clearly states that  
19 I will stay private on the splash screen.

20 Q. Can you take a look at what's been marked 02:13:15  
21 Exhibit 4. That should be a copy of the splash  
22 screen.

23 Can you let me know when you have that in  
24 front of you?

25 A. Yes, one moment. 02:13:30

1 Q. Ms. Trujillo, you testified that your  
2 understanding of incognito mode was that your  
3 information would not be shared.

4 Do you remember that testimony?

5 A. I do remember that, but I did not refer to 02:16:49  
6 the splash screen.

7 Q. And can you tell me why you didn't refer  
8 to the splash screen?

9 A. Why I did not refer to the splash screen?

10 Q. Yes. 02:17:07

11 Does the splash screen state anywhere on  
12 here that your information wouldn't be shared?

13 A. It states it in the privacy policy.

14 Q. So then just to make sure I get a clear  
15 answer to my question, yes or no, does the splash 02:17:36  
16 screen state that your information won't be  
17 shared?

18 MS. BAEZA: Objection. Form. Vague.

19 Shared with who?

20 BY MS. CRAWFORD: 02:17:51

21 Q. You can answer.

22 A. The splash screen says that my activity,  
23 not my information, my activity will be shared or  
24 may be visible to websites, my employer, school,  
25 internet service provider, but the Google privacy 02:18:14

1 policy doesn't say that my activity will be  
2 visible to Google or information in -- collected  
3 and shared. And the privacy policy says across  
4 all services.

5 Q. Ms. Trujillo, we'll get to the privacy 02:18:37  
6 policy in a second. I'm asking a very specific  
7 question about this disclosure here, the incognito  
8 screen, the one that's in front of you.

9 Does the incognito screen say anywhere in  
10 here that your information won't be shared; yes or 02:18:52  
11 no?

12 MS. BAEZA: Objection. Form. Asked and  
13 answered.

14 BY MS. CRAWFORD:

15 Q. Your answer, Ms. Trujillo? 02:19:15

16 A. No, it does not say that it will be -- my  
17 information will be shared and collected.

18 Q. So your information won't be shared?

19 MS. BAEZA: Objection. Form. Asked --  
20 asked and answered. Mischaracterizes prior 02:19:34  
21 testimony. And vague.

22 MS. CRAWFORD: I think the record's clear  
23 on this point.

24 BY MS. CRAWFORD:

25 Q. Ms. Trujillo, do you believe that you 02:19:44

1 entered a contract with Google?

2 A. Yes.

3 Q. When did you enter that contract?

4 A. My initial setup of my account.

5 Q. What does your contract with Google 02:20:05  
6 consist of?

7 A. It consists of the privacy policy, terms.

8 Q. Anything else?

9 A. Terms. Mainly my concern is the privacy  
10 policy and the terms. 02:20:46

11 Q. Okay. Privacy policy and the terms of  
12 service. No other con- -- no other documents in  
13 your opinion form the basis of the contracts that  
14 you formed with Google?

15 MS. BAEZA: Objection to form. Calls for 02:21:03  
16 a legal conclusion.

17 BY MS. CRAWFORD:

18 Q. Your understanding, Ms. Trujillo, as to  
19 what documents form the contract that you have  
20 with Google. Are there any other documents beyond 02:21:15  
21 the terms of service and the privacy policy?

22 MS. BAEZA: Same objection.

23 THE WITNESS: I cannot name all the  
24 documents in the contract.

25 BY MS. CRAWFORD: 02:21:41

1 Q. So you believe that there are additional  
2 documents beyond the terms of service and the  
3 privacy policy that you have a -- a contract with  
4 Google based on?

5 A. A contract. The contract that I know that 02:21:48  
6 I have with Google is the privacy policy and  
7 the -- the terms.

8 Q. Okay. I'd like to introduce as Exhibit 5  
9 Tab 18.

10 (Trujillo Deposition Exhibit 5 was 02:22:25  
11 marked.)

12 BY MS. CRAWFORD:

13 Q. Ms. Trujillo, we're going to be loading  
14 for you your Google account subscriber  
15 information. 02:22:38

16 In just a moment, please refresh the  
17 Exhibit Share site on your end, and let me know  
18 when this document is up and open and in front of  
19 you.

20 A. Okay. I have it open. 02:23:13

21 Q. Okay. Take a -- a moment to look at this  
22 document, and let me know when you're done.

23 A. (Witness reviews.)

24 Okay.

25 Q. Do you see in the first set of bullets 02:23:49

1 meaning that other people who use this device won't see  
2 my activity. That's what I think this says.

3 Q. BY MR. BROOME: Got it. All right.

4 So when you see those two -- the -- the --

5 withdrawn. 14:25:24

6 The next sentence says: "However, downloads and  
7 bookmarks will be saved. Learn more."

8 You see that?

9 A. Yes, I see it. It's written here on the splash  
10 screen. 14:26:13

11 Q. Yeah. And there's a -- the "learn more" is in  
12 blue; right? And that can be -- you understand that  
13 means it hyperlinks to some other page?

14 A. Right.

15 Q. Have you clicked on that link? 14:26:24

16 A. I -- I don't know when, but I think I have, and  
17 I've -- I've -- I'm somewhat familiar with it. I'm  
18 not -- I'd have to review it to see -- I'd have to click  
19 on it now to make sure it jars my memory.

20 Q. Okay. 14:26:37

21 A. But the splashing is pretty specific, like it  
22 says it all right here. It has, at the beginning, a  
23 little man that is in like a little piece -- in disguise.  
24 Then it says: "You've gone Incognito." Then it says:  
25 "Now you can browse privately and other people who use 14:26:55

1 this device won't see your activity."

2 It says: "However, downloads and bookmarks will  
3 be saved." It doesn't say where, but it says saved.

4 "Chrome won't save the following information: Your

5 browser history." It says it right here on the page. 14:27:15

6 "Cookies and site data." It says it right here on this  
7 page. "Information entered in forms." It says it right  
8 here on the page. And logically, it says activity might

9 be visible to websites you visit. Of course, if you go  
10 to Lowe's and you want to buy a shovel, they're going to 14:27:28  
11 see you went to Lowe's and wanted to buy a shovel.

12 But what's precariously -- what's dangerously  
13 not on here is that it doesn't say that Google will still  
14 see your activity. It doesn't say that Google will  
15 record your activity and Google will use that and 14:27:41  
16 monetize it. That's not written here under your activity  
17 might still be visible to. It's left off what Google's  
18 there. So that's what I see when I see this page.

19 Q. Thank you for that.

20 Let me ask my question again: Have you clicked 14:27:57  
21 on that link?

22 MR. MCGEE: Asked and answered. Objection.

23 THE WITNESS: I believe I have. I believe I  
24 have, and I don't recall when.

25 Q. BY MR. BROOME: Earlier I think you said that 14:28:10

1 creat- -- the creation of your Google account?

2 A. Yes, it does.

3 Q. And do you see at the very bottom,

4 underneath "Terms of Service" -- or next to the

5 "Terms of Service," it says, "Please check the 02:33:55

6 Google Account information you've entered above

7 and review the Terms of Service below"? [As read]

8 Do you see that?

9 A. Yes.

10 Q. And then there is a text box underneath 02:34:04

11 that reads "Google Terms of Service"?

12 A. Yes, I see it.

13 Q. Do you also see underneath that the

14 words "By clicking on 'I accept' below you are

15 agreeing to the Terms of Service above and both 02:34:22

16 the Program Policy and the Privacy Policy"?

17 Do you see that?

18 A. Yes.

19 Q. Do you recall whether you read through the

20 terms of service that were presented here at that 02:34:35

21 time, at the time at which you created your Google

22 account?

23 A. I did read through.

24 Q. Okay. And do you recall whether you did

25 the same thing for the privacy policy? 02:34:48



1 A. I did read through.

2 Q. So you read through both the terms of  
3 service and the privacy policy in connection with  
4 the creation of your Google account; is that  
5 right? 02:35:05

6 A. Yes, that's right.

7 Q. And you did that -- did you do that before  
8 hitting "I accept. Create my account," the button  
9 that appears at the very bottom -- at the very  
10 bottom of the screen here? 02:35:17

11 A. Yes.

12 Q. All right.

13 I'm now going to be showing you and  
14 introducing as Exhibit 7, a copy of Google's terms  
15 of service that were in effect from April 16th of 02:35:30  
16 2007 to February 29th of 2012.

17 (Trujillo Deposition Exhibit 7 was  
18 marked.)

19 BY MS. CRAWFORD:

20 Q. Please refresh your screen and let me know 02:35:41  
21 when you have that open in front -- and in front  
22 of you.

23 A. I will let you know.

24 Q. Thank you.

25 A. Okay. I have it open. 02:36:04

1 Q. Mm-hmm.

2 A. -- it references the -- the Google privacy  
3 policy.

4 Q. Correct. And we're going -- I'm going to  
5 show you that in a second, but I'm asking you 02:43:20  
6 about private browsing mode specifically.

7 Does this section or any other section in  
8 the terms of service mention private browsing  
9 mode; yes or no?

10 A. And it protects your privacy -- 02:43:40

11 THE COURT REPORTER: Excuse me, I don't  
12 know if you're reading into the record.

13 THE WITNESS: Oh. No, I'm reading out  
14 loud to myself.

15 It's -- from what I see here, it's privacy 02:44:22  
16 and your personal information. It says that my  
17 personal information will be -- and my privacy will  
18 be protected, and this all falls under my privacy  
19 protection in the privacy policy. I...

20 BY MS. CRAWFORD: 02:44:54

21 Q. Okay. So then it sounds as though the  
22 answer to my question is, no, private browsing  
23 mode is not mentioned in this document, but there  
24 is a reference to privacy in the privacy policy;  
25 is that right? 02:45:05

1 MS. CRAWFORD: Tracy, let's go ahead and  
2 mark as -- I think we might have marked as  
3 Exhibit 8, Tab12; is that right?

4 MS. GAO: That should be Exhibit Number 9.

5 Oh -- sorry. 03:26:53

6 MS. BAEZA: Responses and objections, is  
7 that -- I think that's 9.

8 MS. CRAWFORD: To the -- to the RFAs?

9 MS. BAEZA: Yeah, I see that as 9.

10 MS. CRAWFORD: Okay. Ms. -- thank you. 03:27:06

11 Appreciate that.

12 (Trujillo Deposition Exhibit 9 was  
13 marked.)

14 BY MS. CRAWFORD:

15 Q. Ms. Trujillo, can you open up Exhibit 9, 03:27:11  
16 which are your responses and objections to RFAs  
17 that were served in the course of this litigation.

18 A. Okay. I have Exhibit 9 open.

19 Q. Okay. Now, can you scan -- if you scroll  
20 down to your -- to the second page of this 03:27:34  
21 document, page 2, lines 8 through 12,  
22 approximately, do you see where it says:

23 "Plaintiff Trujillo admits that, when she opened  
24 her Google account, she recalls the disclosures in  
25 the Privacy Policy promising that Google would not 03:27:58

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1 intercept and collect" -- "collect her private  
2 browsing activity." [As read]

3 Do you see that quoted language here?

4 A. Tell me exactly what lines, again, you're  
5 reading. 03:28:22

6 Q. In between line 5 and 6, that is  
7 where "Plaintiff Trujillo admits" again, and the  
8 quoted language ends in between lines 11 and 12.

9 A. Google. (Reading.)

10 Q. Are you done reading? 03:29:18

11 A. No.

12 Q. Okay. Just let me know when you are,  
13 please.

14 A. I will.

15 (Witness reviews.) 03:29:27

16 Okay. I'm done reading.

17 Q. Okay. So here this says that you recall a  
18 disclosure at the time you signed up for your  
19 account in 2009, you re- -- reviewed the  
20 disclosures in the privacy policy promising that 03:29:56  
21 Google would not intercept and collect private  
22 browsing activity.

23 Can you point me to where in the privacy  
24 policy that you have in front of you it says that  
25 Google would not intercept and collect your 03:30:10

1 private browsing activity?

2 A. That I have in front of me?

3 Q. Yes. This -- this --

4 A. My --

5 Q. Mm-hmm. Sorry. Go ahead. 03:30:23

6 A. My documents, my tangible documents or  
7 what you're putting on the screen?

8 Q. What's on the screen because this  
9 exhibit -- this sentence here says that you recall  
10 disclosures in the privacy policy at the time you 03:30:39  
11 signed up for your account.

12 And so, I'm just asking a simple question.  
13 What disclosures do you recall from this privacy  
14 policy that's on the screen in front of you that  
15 says Google won't collect your private browsing 03:30:56  
16 data?

17 A. I can't recall.

18 Q. Okay. So this statement here says that  
19 you can recall, but it seems as though you're  
20 saying you can no longer recall the disclosures 03:31:07  
21 making that promise within this document; is that  
22 correct?

23 A. I recall agreeing to the privacy policy.  
24 What the privacy policy exactly said, I cannot  
25 recall. 03:31:25

1 about right now.

2 Counsel, your objection -- standing  
3 objection is noted for the record. If we could,  
4 please, let's move on.

5 BY MS. CRAWFORD: 03:43:58

6 Q. Ms. Trujillo, can you tell me where in  
7 this document that you have in front of you, the  
8 printed document in front of you or the electronic  
9 copy that's on the screen, where does it say in  
10 here that Google promises when I'm in incognito 03:44:08  
11 mode, my information will not be collected?

12 A. It says it in the privacy policy, in the  
13 one, two, three, four -- fifth paragraph, "and  
14 across our services."

15 Q. Can you tell me what page you're looking 03:44:35  
16 at? I'm sorry.

17 A. Page 1.

18 Q. Okay. So you're talking about the  
19 sentence that reads: "And across our services,  
20 you can adjust your privacy settings to control 03:44:51  
21 what we collect and how your information is used";  
22 is that right?

23 A. That's right.

24 Q. Okay. And so you interpret this sentence  
25 to mean that you can adjust your privacy settings 03:45:04

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1 to mean that Google will not collect your  
2 information?

3 A. I'm not interpreting it. It clearly says  
4 that when I'm in incognito mode, my information  
5 will not be collected. 03:45:23

6 Q. Where -- but that's -- I think that's the  
7 issue. Ms. Trujillo, I'm trying to figure out  
8 where, exactly, it says that.

9 Where do you see the word "incognito" in  
10 the one sentence that you just pointed me to on 03:45:37  
11 page 1 of this document?

12 A. It's in the previous sentence.

13 Q. Okay. "You can also choose to browse the  
14 web privately using Chrome in incognito mode."

15 Where in that sentence does it say that 03:46:00  
16 Google will not get data from your private  
17 browsing session?

18 A. In the same sentence, "You can also choose  
19 to browse the web privately in Chrome in incognito  
20 mode." 03:46:27

21 Q. Right.

22 But nothing in that sentence says that  
23 Google won't get information if you are browsing  
24 the web privately using Chrome in incognito mode.

25 Do you have a different understanding? 03:46:39

1 And if so, what is the basis for that  
2 understanding?

3 MS. BAEZA: Objection. Form. Compound.

4 Asked and answered.

5 BY MS. CRAWFORD: 03:46:48

6 Q. Please respond, Ms. Trujillo.

7 A. The privacy policy says that I am in  
8 control, and when I am in incognito mode, my  
9 information will not be collected.

10 Q. Where does it say that specifically, your 03:47:02  
11 information will not be collected?

12 MS. BAEZA: Objection. Form. Asked and  
13 answered.

14 BY MS. CRAWFORD:

15 Q. Your response, Ms. Trujillo? 03:47:29

16 A. I can adjust my privacy settings to  
17 control what we collect. So I can -- my privacy  
18 setting, if I'm in incognito mode, Google should  
19 not be able to collect my information because I  
20 have chosen -- in my control, I have chosen to be 03:47:49  
21 in private mode.

22 Q. Right.

23 Now, I think I just heard you to say two  
24 things. One is your privacy setting's in  
25 incognito mode? 03:48:06



1 A. I'm sorry?

2 Q. Are you identifying incognito mode as a  
3 privacy setting?

4 A. Yes, I am.

5 Q. Okay. That's the first question. 03:48:19

6 And then the second question I have is --  
7 you said, "Google should not be able to collect my  
8 information."

9 Is it your belief that Google says here  
10 that it will not collect your information or that 03:48:32  
11 you believe it should not do so?

12 MS. BAEZA: Objection. Form. Compound.

13 BY MS. CRAWFORD:

14 Q. You can answer, Ms. Trujillo.

15 A. I did not say Google should not. I said 03:48:47  
16 Google promises not to collect my information when  
17 I'm in incognito mode.

18 Q. Okay. Per- -- perhaps you misspoke. I'm  
19 reading directly from the record here where it  
20 says, quote, "Google should not be able to collect 03:49:07  
21 my information because I have chosen -- in my  
22 control, I have chosen to be in private mode."

23 So do you mean that Google represented  
24 that it wouldn't collect it or that, as you stated  
25 previously, Google should not be able to collect 03:49:23

1           A.   Well, it's incomplete because I cannot  
2   click and open the link.

3 Q. That's fair and fine, but I'm asking if  
4 you see any references to "incognito" here. You  
5 had mentioned that it was a specific privacy 03:53:40  
6 control.

7 Does it appear as one of the five privacy  
8 controls listed on this page?

9 A. I don't know --

10 MS. BAEZA: Objection -- just one moment. 03:53:48

11 Sorry, Monique. Let me just insert my objection.

12                   Objection.  Form.  Mischaracterizes  
13       testimony.  She said "privacy setting."

14 MS. CRAWFORD: I think the record speaks  
15 for itself. 03:54:04

16 MS. BAEZA: I agree.

17 BY MS. CRAWFORD:

18 Q. Ms. Trujillo, so just to confirm, do you  
19 see "incognito" mentioned anywhere on this list  
20 here? 03:54:17

21           A.    I can't answer that because I don't have  
22   the full avail- -- I don't have all the  
23   information available to me.  I can't open the  
24   links.

25	Q. Do you see anything that looks like	03:54:33
----	--	----------

1        sec- -- the sentence that reads, "We understand  
2        this is a big responsibility and work hard to  
3        protect your information and put you in control"?

4            A.     Correct.

5            Q.     And is that one of the promises that you        04:15:49  
6        believe Google has made to you?

7            A.     Yes.   And it's also promised again -- one,  
8        two, three, four -- the middle paragraph, the last  
9        sentence, on page 1.

10          Q.     Okay.   And you're referring to the part of        04:16:14  
11        the sentence that says, "you can adjust your  
12        privacy settings to control what we collect and  
13        how your information is used"; is that right?

14          A.     That's correct.

15          Q.     Okay.   And what's the date of this                04:16:25  
16        specific policy that you have in front of you?

17          A.     May 2018.

18          Q.     Are you aware of any earlier version of  
19        the privacy policy -- Google's privacy policy  
20        where those words appear, either "put you in                04:16:41  
21        control" or "control what we collect"?

22          A.     Previous -- when you say "previous" --

23          Q.     Earlier versions of the privacy policy.  
24        So we looked at one from 2009, for example.   I  
25        don't think you referenced the same language in                04:17:06

1 other people who use the device won't see your  
2 history"?

3 Do you see that there?

4 A. I do.

5 Q. What do you understand that sentence to 04:37:15  
6 mean, Ms. Trujillo?

7 A. Well, it means two things to me. It means  
8 that I'm able to browse privately and in incognito  
9 mode and other people who use the device won't see  
10 my history. 04:38:05

11 Q. Do you understand this sentence to be  
12 representing that browsing privately and incognito  
13 means just what you said it does, which is that  
14 other people who use your device won't see your  
15 history? 04:38:22

16 A. Please repeat that.

17 Q. This sentence here beginning with "When  
18 you browse privately," do you see how it explains  
19 what browsing privately means when it says  
20 browsing privately, when you do so, quote, "other 04:38:47  
21 people who use the device won't see your history"?  
22 Do you see where it says that?

23 A. I see where it says that. I don't see how  
24 it's an explanation.

25 Q. What do you think it is, then, if not an 04:39:04

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1 explanation?

2 A. It's just -- the two -- it's like the two  
3 promises on the splash screen. It's just  
4 conflicting with what the privacy policy says.

5 Q. This document conflicts with the privacy 04:39:38  
6 policy; is that what you mean --

7 A. Yes.

8 Q. -- or something else? Okay.

9 A. That's what I mean.

10 Q. So this document here conflicts with the 04:39:47  
11 privacy policy.

12 How does it conflict with the privacy  
13 policy?

14 A. Because it's -- let me see. "When you  
15 browse privately." 04:40:19

16 Q. Are you able to identify any way which  
17 this document conflicts with the privacy policy?  
18 If not, that's fine. I can ask the -- the -- the  
19 next question.

20 A. Well, it's saying that I'm able to browse 04:40:57  
21 privately and other people can't see my history,  
22 but that's not what's happening --

23 Q. Okay.

24 A. -- when I'm in incognito mode.

25 Q. Okay. So you believe this -- this page to 04:41:11

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1 I'm saying my information.

2 Q. Okay. So that's when you're in regular  
3 mode.

4 What information of value have you given  
5 to Google when you're in incognito mode? 04:47:52

6 A. Google -- when I'm in incognito mode,  
7 Google has taken my information without my  
8 consent.

9 Q. So is there no information that you've  
10 given Google in the context of your private 04:48:08  
11 browsing activity through incognito mode?

12 A. Did you say "is there no information"?

13 Q. Correct. Because it sounds like you were  
14 saying Google takes your information.

15 So I'm wondering, is there any information 04:48:28  
16 that you voluntarily share with Google in the  
17 context of your incognito sessions?

18 MS. BAEZA: Objection. Form. Vague.

19 BY MS. CRAWFORD:

20 Q. You can answer, Ms. Trujillo. 04:48:42

21 A. Well, I know when I'm in regular mode, I'm  
22 consenting to Google taking my information.

23 Q. Okay. And -- and the con- -- because  
24 you -- you -- you claim that you have a contract  
25 with Google that governs your usage of incognito 04:48:55

1 MS. BAEZA: I said, I just don't think you  
2 like her answer, Ms. Crawford.

3 BY MS. CRAWFORD:

4 Q. Ms. Trujillo, please respond.

5 A. The clear answer is that Google has stolen 04:49:41  
6 my information when I'm in incognito mode.

7 Q. Okay. I'll -- I'll accept that. It --  
8 I -- I didn't -- don't understand you to have  
9 identified any information that you voluntarily  
10 gave Google in the context of your use of 04:49:58  
11 incognito mode. If that's incorrect, let -- let  
12 me know.

13 But I think I've heard you to say that  
14 Google has taken information when you're using  
15 incognito without your consent. 04:50:09

16 In that case, my next question I have is,  
17 when you say Google has taken your information  
18 without its [verbatim] consent, do you believe  
19 that Google, when you're in private browsing mode,  
20 is authorized to use your information in any 04:50:26  
21 capacity or none whatsoever?

22 A. They're not -- when I'm in private  
23 browsing or incognito, I -- they do not have my  
24 consent to use my information. I've chosen --

25 Q. So what -- sorry. Go ahead. 04:50:51

1 MS. BAEZA: Go ahead and finish your  
2 statement, Ms. Trujillo.

3 THE WITNESS: If I'm on incognito mode, I  
4 have chosen to be private.

5 BY MS. CRAWFORD: 04:51:13

6 Q. So it sounds as though there's no  
7 information that you voluntarily agreed to give  
8 Google when you are in an incognito session; is  
9 that right?

10 MS. BAEZA: Objection. Form. Asked and 04:51:23  
11 answered.

12 THE WITNESS: Google -- when I'm in  
13 incognito mode, Google does not have my consent to  
14 use my information.

15 BY MS. CRAWFORD: 04:51:39

16 Q. Okay. Do you believe that your -- the  
17 information that you've provided to Google has  
18 monetary value?

19 A. Yes.

20 Q. How so? 04:51:55

21 A. How so does it have monetary value, the  
22 information that Google has either taken with or  
23 without my consent?

24 Data and information is the most valuable.

25 Q. Does it have monetary value? 04:52:24



1 MS. BAEZA: Objection. Form.

2 Mischaracterizes testimony.

3 MR. MAO: Calls for expert...

4 BY MS. CRAWFORD:

5 Q. You can answer. 04:57:54

6 A. When I turn on incognito, I'd expect  
7 Google to stand by their promise in the contract  
8 so when I say I want to be kept private, then no  
9 means no.

10 Q. Okay. Can you tell me all the ways, 04:58:34  
11 sitting here today, that you've been harmed by  
12 Google's conduct in the context of the lawsuit  
13 that you filed against it?

14 A. My personal information has been shared  
15 without my consent, and there are probably -- 04:58:58  
16 because of this, there's -- I'm sure there's a lot  
17 more damage than I can even imagine.

18 Q. And when you say your information was  
19 shared, I just want to be clear. Shared by whom  
20 and to whom? 04:59:17

21 MS. BAEZA: Objection. Form. Calls for  
22 speculation.

23 MS. CRAWFORD: This is the witness's  
24 testimony.

25 BY MS. CRAWFORD: 04:59:31

1 says otherwise?

2 A. Skyscanner's policy can say whatever it  
3 wants. I -- I -- it was Google who shared my  
4 information while I was in incognito mode.

5 Q. Okay. 05:52:51

6 MS. CRAWFORD: Let's mark as our -- our  
7 next exhibit Tab 3, Tracy.

8 (Trujillo Deposition Exhibit 14 was  
9 marked.)

10 BY MS. CRAWFORD: 05:53:08

11 Q. I'm going to show you, Ms. Trujillo, a  
12 copy of your discovery responses in this case.

13 If you refresh the Exhibit Share window  
14 you have open, let me know when this document is  
15 in front of you. 05:53:22

16 A. Exhibit what? I'm sorry, please repeat.

17 Q. It will either be Exhibit 14 or 15, but  
18 perhaps you can refresh and let me know which one  
19 is -- has just been loaded.

20 A. 14 is the most recent. 05:53:55

21 Q. That might be Skyscanner's privacy policy,  
22 in which case you can set that aside and look for  
23 Exhibit 15.

24 MS. GAO: Actually, Exhibit 14 is the  
25 correct one. 05:54:12

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1 MS. CRAWFORD: Oh, perfect. Okay.

2 BY MS. CRAWFORD:

3 Q. So if you have Exhibit 14 in front of you,  
4 Ms. Trujillo, can you turn to -- unfortunately,  
5 this document was served without page numbers, but 05:54:20  
6 it's the -- the tenth page of this document.

7 A. Okay. I'm on the tenth page.

8 Q. Do you see where it says "Interrogatory  
9 Number 10"?

10 A. Yes. 05:54:41

11 Q. And "Response to Interrogatory Number 10"?

12 A. Yes.

13 Q. Okay. So do you remember a moment ago  
14 when I was asking you about selling your personal  
15 data and whether you knew anything about that? 05:54:59

16 A. Yes.

17 Q. And I believe you testified that you don't  
18 know much about that practice.

19 Is that -- is that consistent with what  
20 you remember having testified to? 05:55:20

21 MS. BAEZA: Objection. Form. Vague.

22 BY MS. CRAWFORD:

23 Q. Do you remember your testimony on that  
24 topic, Ms. Trujillo?

25 A. Yes, I do. 05:55:27

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1 Q. Okay. And you testified that you didn't  
2 know much about selling your personal information,  
3 but that it would be a pretty desperate way of  
4 making money.

5 Do you remember that? 05:55:41

6 A. Yes.

7 Q. In your response to this interrogatory,  
8 you state -- and if you look on the next page it's  
9 the paragraph that begins with "Notwithstanding."

10 Do you see that paragraph there? 05:56:04

11 A. Yes.

12 Q. This says, with specificity, that you've  
13 been aware of the value of your personal data for  
14 years and that you're aware of websites like  
15 Killi, companies like Brave and others, that  
16 provides monetary compensation for personal data.

17 Do you see where it says that?

18 A. Yes.

19 Q. Are you, in fact, aware of websites like  
20 Killi? I don't believe you testified to Killi 05:56:46  
21 when I asked you the question previously.

22 A. I'm aware that there are websites that do  
23 buy personal data. I'm aware that personal data  
24 is very valuable. But I have not ever sold my  
25 personal data. 05:57:15

1 BY MS. CRAWFORD:

2 Q. You can answer.

3 A. I actually -- I don't know if I ever --  
4 I've never logged in under incognito mode. Why  
5 not? I just never tried. I didn't -- I haven't 06:02:00  
6 tried logging in to Gmail in incognito mode.

7 Q. Okay.

8 A. I...

9 Q. Sorry. Were you still -- were you  
10 finished with your answer? 06:02:21

11 A. I was going to say, I've -- I use  
12 incognito mode for websites.

13 Q. Okay. But not to protect sensitive  
14 communications like your personal e-mail?

15 A. My e-mail, I have never logged in under 06:02:43  
16 incognito. I'm trying to think of any other --  
17 no, that's it.

18 Q. Okay. Can we queue up as the next exhibit  
19 Tab 23, which is going to be, Ms. Trujillo, the  
20 splash screen or private browsing screen of Safari 06:03:17  
21 mode, one of the browsing modes that you mentioned  
22 earlier in your testimony.

23 (Trujillo Deposition Exhibit 15 was  
24 marked.)

25 BY MS. CRAWFORD: 06:03:30

1 Q. If you could please refresh your Exhibit  
2 Share, and let me know when you have this exhibit  
3 in front of you. It should be Exhibit 15.

4 A. Okay. I am on Exhibit 15.

5 Q. Okay. Can you take a second to look this 06:03:54  
6 over and let me know when you're done.

7 A. (Witness reviews.)

8 Okay.

9 Q. Have you ever used any private browsing  
10 mode other than incognito for Chrome? 06:04:28

11 A. Yes. I've used private on Safari.

12 Q. Any other modes -- sorry.

13 Any other browsers? If you don't recall,  
14 that's fine.

15 A. I don't recall. 06:04:58

16 Q. Okay. Do you remember seeing this screen  
17 before from Safari's private mode?

18 A. I may have seen it. I don't recall.

19 Q. When you're using Safari's private mode,  
20 what types of protection do you understand that 06:05:17  
21 mode to provide?

22 A. That my private information will not be  
23 collected and stored.

24 Q. Okay. And what's the basis of that  
25 understanding? 06:05:45

1 A. The basis is that I'm in private mode.

2 Q. Okay. So you assume that private mode in  
3 Safari, for example, means that your private  
4 information, quote, "will not be collected and  
5 stored," close quote. 06:06:35

6 Is that right?

7 A. It will not be -- the -- the promise from  
8 Google is that Google will not collect and store  
9 my information if I'm on Safari's -- Safari on  
10 private mode -- in private mode. 06:06:59

11 Q. Just to make sure I'm clear, are you  
12 saying that Google has made representations to you  
13 about what data Safari is collecting when you're  
14 in private browsing mode in Safari?

15 A. No, that's not what I'm saying. I'm 06:07:18  
16 saying that Google promises that if I'm in a  
17 private setting, in private browsing on Safari,  
18 that Google itself will not collect and store my  
19 information.

20 Q. How could Google collect your information 06:07:38  
21 if you're browsing in a different company's web  
22 browser?

23 A. I don't --

24 MS. BAEZA: Objection. Form. Calls for  
25 speculation and expert opinion. 06:07:53

1 BY MS. CRAWFORD:

2 Q. Ms. Trujillo?

3 A. I -- I know that's what happens. How that  
4 happens, I don't know. I'm not an expert.

5 Q. Okay. You would agree with me, even 06:08:09  
6 though you're not an expert, that nothing about  
7 what appears on this page references Google;  
8 right? Google isn't mentioned anywhere here?

9 A. Well, even I -- even if I'm on Safari,  
10 whether I'm in regular mode or private mode, 06:09:08  
11 Google is collecting my information.

12 Q. What's the basis for that belief?

13 A. My attorneys and experts have found it to  
14 be true.

15 Q. Okay. Next separate question: Do you 06:09:42  
16 think other companies besides Google are  
17 collecting your information the ways you've just  
18 described, companies like Apple or companies like  
19 Facebook, or is your belief specific to Google?

20 A. The information that I have isn't 06:10:05  
21 belief-specific to Google. It's fact-specific to  
22 Google. And Apple or Facebook, I -- I'm not sure  
23 how they operate.

24 Q. Okay. Do you understand the relationship  
25 that Safari and Apple share? 06:10:45



1 ads in incognito mode?

2 A. Yes.

3 Q. Did you know that targeted ads in

4 incognito mode were coming from Google before this

5 lawsuit, or did you learn that after the lawsuit? 07:13:47

6 MS. CRAWFORD: Objection. Leading.

7 THE WITNESS: I learned this after the

8 lawsuit.

9 BY MS. BAEZA:

10 Q. Earlier you were asked about your 07:14:08

11 understanding about what information websites

12 passed on to Google.

13 Do you remember those questions?

14 A. Yes.

15 Q. And Google's attorney asked you some 07:14:17

16 questions about your understanding about what

17 information was passed on when in regular mode.

18 Do you remember?

19 A. Yes.

20 Q. Based on Google's disclosures, what is 07:14:30

21 your understanding on what information Google

22 should be collecting from websites when you're in

23 incognito mode?

24 A. When I'm in incognito mode?

25 Q. Correct. 07:14:52

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1           A.    Google should not be collecting any of my  
2   information when I'm in incognito mode.

3 Q. The term "irrespective" was used earlier  
4 today.

5	Do you remember that?	07:15:08
---	-----------------------	----------

6	A. Yes.
---	---------

7 Q. Do you know what the word "irrespective"  
8 means?

9 A. No. I don't.

10	Q. Earlier -- oh, sorry. Go ahead.	07:15:19
----	------------------------------------	----------

11                   A.     No, I don't.

12 Q. Earlier you were asked whether you  
13 provided cookie values from your browser during  
14 the course of this litigation.

15	Do you remember that?	07:15:33
----	-----------------------	----------

16	A. Yes.
----	---------

17 Q. And you testified that you weren't really  
18 sure what a cookie is.

19 Do you remember?

20	A. Correct, yes.	07:15:42
----	------------------	----------

21 Q. Without going into the substance of  
22 privileged communications with your attorneys, do  
23 you recall back in November and December working  
24 with people to pull certain values from your  
25 computer?

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1 A. Yes, I do recall.

2 Q. And those values were large strings of  
3 characters.

4 Do you remember?

5 A. Yes. 07:16:05

6 MS. CRAWFORD: Objection. Leading the  
7 witness. I mean, Rosy, you're -- you're leading  
8 the witness to give answers to the tar- -- very  
9 narrowly focused questions that you're asking right  
10 now. 07:16:17

11 I don't think that this is proper, and I'm  
12 creating a record that you're leading the witness  
13 in a way that I don't think is appropriate at this  
14 stage.

15 MS. BAEZA: Your speaking objection is 07:16:28  
16 noted.

17 MS. CRAWFORD: It is.

18 BY MS. BAEZA:

19 Q. Let me go back to -- to the last question,  
20 'cuz I lost my train of thought here, that long 07:16:39  
21 speaking objection.

22 MS. CRAWFORD: Rosy, let's be respectful,  
23 please.

24 MS. BAEZA: All right.

25 BY MS. BAEZA: 07:16:55

1 Q. If I represented to you that that large  
2 string of characters were cookie values, would  
3 your earlier answer change to yes, that you now  
4 recall providing cookie values from your browser  
5 during the course of this litigation? 07:17:07

6 A. Yes. My answer's yes.

7 Q. Do you remember being asked questions  
8 about the relationship between Apple and Safari?

9 A. Yes.

10 Q. Did you know that the Safari browser is a 07:17:23  
11 product of Apple before today?

12 A. No, I did not.

13 Q. Knowing this now, would you understand  
14 Safari to mean Apple?

15 MS. CRAWFORD: Objection. Leading again. 07:17:42  
16 The witness's testimony speaks for itself.

17 BY MS. BAEZA:

18 Q. You can answer.

19 A. Yes.

20 Q. Does Apple's collection of your personal 07:17:52  
21 data have anything to do with this lawsuit?

22 A. No.

23 Q. Do you remember earlier when you were  
24 asked questions about the incognito splash screen?

25 A. Yes. 07:18:10

1 Q. Okay. If you can please go to that  
2 document. It's Exhibit 4.

3 Let me know when you have that open.

4 A. Okay.

5 I have it open. 07:18:36

6 Q. And do you remember being asked questions  
7 about whether the incognito splash screen  
8 discloses that your information is not shared?

9 A. Yes, I remember being asked.

10 Q. Do you see where it says "Your activity 07:18:50  
11 might still be visible to"?

12 A. Yes.

13 Q. And below that, it lists three entities  
14 your activity might still be visible to.

15 Do you see that? 07:19:09

16 A. Yes.

17 Q. What does that communicate to you?

18 MS. CRAWFORD: Objection.

19 THE WITNESS: It communicates to me that  
20 my activity may be visible to websites I visited, 07:19:35  
21 my employer, school, internet service de- --  
22 provider. But it does not say it might still be  
23 visible to Google.

24 BY MS. BAEZA:

25 Q. Okay. You can close that exhibit out. 07:20:02

1 [verbatim]. Your counsel asked if you used  
2 incognito mode and ran a Google Search, whether  
3 that meant Google would collect your data.

4 Do you remember that?

5 A. Are you asking -- are you just asking if I 07:28:11  
6 remember her asking me that question?

7 Q. Yeah, I'm asking if you remember your  
8 testimony about these questions, yes.

9 A. My testimony? Not what she asked me, my  
10 testimony? 07:28:31

11 Q. Do you remember tell- -- telling -- do you  
12 remember testifying that, quote, "If I'm in  
13 incognito mode, my information shouldn't be  
14 collected," period, closed quote? Do you remember  
15 that? 07:28:57

16 A. Yes. I -- I don't know if you're asking  
17 if I remember the exact words, but I do remember  
18 saying something along those lines.

19 Q. You would agree with me that the splash  
20 screen that you just looked at does say "Your 07:29:11  
21 activity might still be visible to websites" [as  
22 read]; right?

23 A. "Your activity might still be" --  
24 (reading.)

25 If you're asking if that is what I see on 07:29:40

1 the splash screen also?

2 Q. Yes.

3 Do you see where it says that?

4 A. Yes.

5 Q. And google.com is a website; isn't it? 07:29:53

6 A. But it doesn't say "Google" on here.

7 Q. But it says "Websites you visit," so I'm  
8 asking, do you understand google.com to be a  
9 website?

10 A. I believe that it should specifically 07:30:11  
11 say "Google" on here.

12 Q. Ms. Trujillo, I appreciate the response,  
13 but that's not the question that I've asked you.  
14 I'll ask it one more time in the hopes of getting  
15 a clear yes-or-no answer. 07:30:50

16 Do you understand that google.com is a  
17 website?

18 MS. BAEZA: Objection. Form. Asked and  
19 answered.

20 THE WITNESS: I understand that in the 07:31:03  
21 privacy policy it says any services across Google.

22 BY MS. CRAWFORD:

23 Q. So is the answer to my question, yes,  
24 google.com is a website?

25 MS. BAEZA: Objection. Form. Asked and 07:31:28

1 answered.

2 THE WITNESS: I know that Google -- well,  
3 incognito is part of Google and my privacy should  
4 be -- or is promised to be protected if I'm in  
5 incognito mode across any of the Google services. 07:32:07

6 BY MS. CRAWFORD:

7 Q. Ms. Trujillo, I appreciate your answer,  
8 but do you understand the question that I've  
9 asked?

10 MS. BAEZA: Objection. Badgering the 07:32:20  
11 witness.

12 BY MS. CRAWFORD:

13 Q. Ms. Trujillo.

14 A. I understand the question.

15 Q. Okay. Are you able to answer it with a 07:32:33  
16 yes or no? Is google.com a website?

17 MS. BAEZA: Objection. Form. Asked and  
18 answered. And she can answer the question however  
19 she sees fit.

20 MS. CRAWFORD: Okay. Thank you, Rosy. 07:32:44

21 BY MS. CRAWFORD:

22 Q. Ms. Trujillo.

23 A. The splash screen should include my  
24 activity. Where it says my activity may still be  
25 visible, it should have Google on here. 07:33:04



1 Q. Any other companies that you think should  
2 be listed there or just Google?

3 A. Definitely Google, since they collect  
4 data.

5 Q. Yep. 07:33:27

6 My question was -- was slightly different.

7 Any companies other than Google that you  
8 believe should be listed here?

9 A. I can't think of any right now.

10 Q. Okay. And just to make sure you don't 07:33:37  
11 have an answer to give to the question that I've  
12 posed several times now, are you able to tell me  
13 whether or not you believe google.com is a  
14 website; yes or no?

15 MS. BAEZA: Objection. Form. Asked and 07:33:56  
16 answered.

17 MS. CRAWFORD: What was the witness's  
18 response to that question, Rosy? Did she answer  
19 "yes" or "no" to that?

20 MS. BAEZA: I'm not testifying, and she 07:34:09  
21 doesn't have to answer with a yes or no. She  
22 already answered the question.

23 MS. CRAWFORD: Okay.

24 BY MS. CRAWFORD:

25 Q. Ms. Trujillo -- 07:34:14

JOMAIRE CRAWFORD, ESQ.

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FEBRUARY 16, 2022

RE: BROWN V. GOOGLE LLC

FEBRUARY 11, 2022, MONIQUE TRUJILLO, JOB NO. 5077549

The above-referenced transcript has been completed by Veritext Legal Solutions and review of the transcript is being handled as follows:

\_\_\_ Per CA State Code (CCP 2025.520 (a)-(e)) - Contact Veritext to schedule a time to review the original transcript at a Veritext office.

\_\_\_ Per CA State Code (CCP 2025.520 (a)-(e)) - Locked .PDF Transcript - The witness should review the transcript and make any necessary corrections on the errata pages included below, notating the page and line number of the corrections. The witness should then sign and date the errata and penalty of perjury pages and return the completed pages to all appearing counsel within the period of time determined at the deposition or provided by the Code of Civil Procedure.

\_\_\_ Waiving the CA Code of Civil Procedure per Stipulation of Counsel - Original transcript to be released for signature as determined at the deposition.

\_\_\_ Signature Waived - Reading & Signature was waived at the time of the deposition.

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1     \_\_\_ Federal R&S Requested (FRCP 30(e)(1)(B)) - Locked .PDF  
2     Transcript - The witness should review the transcript and  
3     make any necessary corrections on the errata pages included  
4     below, notating the page and line number of the corrections.  
5     The witness should then sign and date the errata and penalty  
6     of perjury pages and return the completed pages to all  
7     appearing counsel within the period of time determined at  
8     the deposition or provided by the Federal Rules.  
9     \_x\_ Federal R&S Not Requested - Reading & Signature was not  
10    requested before the completion of the deposition.

1 BROWN V. GOOGLE LLC

2 MONIQUE TRUJILLO (#5077549)

3 E R R A T A S H E E T

4 PAGE\_\_\_\_\_ LINE\_\_\_\_\_ CHANGE\_\_\_\_\_

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6 REASON\_\_\_\_\_

7 PAGE\_\_\_\_\_ LINE\_\_\_\_\_ CHANGE\_\_\_\_\_

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9 REASON\_\_\_\_\_

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12 REASON\_\_\_\_\_

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15 REASON\_\_\_\_\_

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18 REASON\_\_\_\_\_

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21 REASON\_\_\_\_\_

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24 WITNESS

Date

25